

ORDINANCE 05-23

AN ORDINANCE TO AMEND THE ZONING ORDINANCE #04-09, OF THE TOWN OF NOLENSVILLE, TENNESSEE, TO REVISE STANDARDS FOR OPEN SPACE FOR PLANNED UNIT DEVELOPMENTS

WHEREAS, the Town of Nolensville enacted Zoning Ordinance 04-09 in 2004. Prior to the enactment of 04-09, the Town enacted Ordinance #98-22 in 1998 which amended the initial zoning ordinance of the Town of Nolensville. Subsequent amendments have been enacted prior to the enactment of Ordinance 04-09; and

WHEREAS, The Town of Nolensville Planning Commission met on August 11, 2005, and discussed a proposal to revise the design standards and criteria for open space for Planned Unit Developments in its zoning ordinance,

WHEREAS, the Town of Nolensville Planning Commission has recommended certain the amendments to the Nolensville Board of Mayor and Aldermen,

WHEREAS, the Board of Mayor and Aldermen have conducted a public hearing on _____, 2005, thereon; and

WHEREAS, The Board of Mayor and Aldermen believe it is in the best interest of the citizens and residents of the Town to revise the Ordinance 04-09 as it relates to open space standards and criteria for Planned Unit Developments;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD AND MAYOR AND ALDERMAN, that Zoning Ordinance 04-09 of the Town of Nolensville is amended by revising said ordinance as follows:

SECTION 1:

Article 2.2.10 is amended as follows:

Amend Section 2.2.10, General Standards to add a phrase under B. to require that design and preservation of open space standards must be met:

General Standards Upon recommendation of the Planning Commission, the Board of Mayor and Aldermen; may approve, approve with conditions or disapprove a request for a Planned Unit Development. Any recommendation shall include a finding of fact by the Planning Commission that the proposed PUD is consistent or inconsistent with the following standards and criteria:

- A. An approved water supplier and wastewater treatment and disposal facility have acknowledged in writing that facilities are available and adequate to serve the proposed development. Storm water drainage facilities shall also be required to be provided by the developer.
- B. The location, and arrangement of the structures, parking areas, walks,

lighting and other facilities shall be compatible with the surrounding land uses and any part of the proposed project that is not used for development shall be designated as open space and **meet the design and preservation standards for open space and specific standards and criteria for Planned Residential Developments set forth below.**

- C. The proposed development as presented in a phased plan, can be constructed in a manner that will not injure or damage the use, value and enjoyment of surrounding properties nor hinder the development of adjacent property in accordance with the development policies and plans of the Town.
- D. Any modification of the zoning or other regulations that would be otherwise applicable to the proposed development and are warranted based on the concept plan may be permitted, however, no modification may be permitted that would harm the public health, safety and welfare of the citizens of the Town.
- E. A property owners association shall be required to be formulated and be held responsible for the maintenance and compliance of the open spaces areas and facilities.

SECTION 2.

Article 2.2.10, PUD Specific standards for Planned Residential Developments is amended as follows:

Delete the following section that reads as follows:

In addition to the standards and criteria set forth above, planned residential developments shall comply with the standards and criteria set forth hereinafter:

Design and preservation of open space. Open space shall be provided as common open space as a condition of an approval of a planned unit development. No open space may be designated as common open space under the provisions of this section unless it meets the following standards:

The common open space must be usable for recreational purposes or must provide visual, aesthetic or environmental amenities. Any use authorized must be appropriate to the scale and character of the planned residential community.

Any buildings, structures and improvements proposed to be located in the common open space must be appropriate for the uses proposed and must enhance the community with amenities related to recreation, topography or environmental concerns. In addition, these improvements must be located to benefit all of the residents of the planned unit development.

If a planned unit development is to be built in phases, any proposed improvements within the common open space must be developed to ensure that each phase of the

development shall have the benefits of the common open space facilities. Each phase of the project shall be required to plat the proper portion of the open space consistent with the percentage of the land areas being platted for lot sales and to maintain the approved density.

No common open space shall be conveyed to a property owners association until it has been determined by the planning commission that the character and quality of the tract to be conveyed is suitable for the proposed use for which it is intended.

The minimum amount of open space to be conveyed as common open space shall be 30 percent of the gross area of the tract proposed as a residential planned unit development. The planning commission may require additional open space based on existing site conditions.

And replace with the following:

In addition to the standards and criteria set forth above, planned residential developments shall comply with the standards and criteria set forth hereinafter:

Design and preservation of open space. Open space shall be provided as common open space as a condition of an approval of a planned unit development. No open space may be designated as common open space under the provisions of this section unless it meets the following standards:

1. The common open space must be substantial, functional, accessible, permanent and usable for recreational purposes or must provide visual, aesthetic or environmental amenities as determined by the Planning Commission.
2. Any use authorized must be appropriate to the scale and character of the planned residential community and must be compatible with the Town's comprehensive plan, land use policies, and the surrounding land uses near the development.
3. Common open space containing natural features worthy of preservation should be left undisturbed. Due consideration shall be given to topography, trees, ground cover, natural bodies of water and other significant features, including archeological, historical, scenic and cultural features of the area. Information on natural features of the site shall be provided in the preliminary review stage and concept plan application.

4. The designated open space shall have access to a public right-of-way via a walkway and should link pedestrian and/or cycling trails throughout the development and with adjacent pathways/trails.
5. Whenever appropriate, the open space shall be bound by public roads and occur in standard geometric shapes (squares, rectangles, circles, ovals) in an effort to replicate traditional town greens, which serve as a focal point for adjacent lots; or, the space may be provided in the interior of the development behind lots if the amount is considered substantial and if adequate access is planned to this area throughout the development.
6. None of the credited open space may consist of, wetlands, or slopes exceeding 25%. No more than 50% of the credited open space may consist of 100 year floodplains. If the subdivision is developed in phases or sections, all dedicated open space must be identified during the initial phase or section. Landscaped medians within roadways may be counted toward this requirement, but shall not account for more than 25% of the required open space. However, landscaped cul-de-sac islands, which are a requirement of the Subdivision Regulations, shall not be credited toward this open space requirement.
7. If the dedicated open space is wooded, it shall remain in its natural state to the maximum extent possible. The development of nature trails is encouraged for wooded open spaces.
8. Open space areas should be connected and contiguous as much as possible in the development to provide benefits to all residents of the development, and when possible, connect with adjacent open space areas of adjacent developments.
9. Any buildings, structures and improvements proposed to be located in the common open space must be appropriate for the uses proposed and must enhance the community with amenities related to recreation, topography or environmental concerns. In addition, these improvements must be located to benefit all of the residents of the planned unit development.
10. The minimum amount of open space to be conveyed as common open space shall be 30 percent of the gross area of the tract proposed as a residential planned unit development. The planning commission may require additional open space based on existing site conditions.
11. The common open space shall be maintained in a uniform manner with preservation of natural features a priority.

12. If a planned unit development is to be built in phases, any proposed improvements within the common open space must be developed to ensure that each phase of the development shall have the benefits of the common open space facilities. Each phase of the project shall be required to plat the proper portion of the open space consistent with the percentage of the land areas being platted for lot sales and to maintain the approved density.

The design of the required open space must meet Planning Commission approval to assure that the proposed open space counts toward satisfying these requirements. The Planning Commission and BOMA shall make a determination on whether the PUD plan substantially meets the design criteria and standards above.

SECTION 3:

The provisions contained herein shall be incorporated in the zoning ordinance #04-09, as amended, which ordinance shall now be designated as ordinance #04-09. The adoption of this ordinance is the adoption of the entire zoning ordinance as modified and amended by this ordinance and the Zoning Ordinance shall hereinafter be referred to as ordinance #04-09.

SECTION 4:

The Mayor and Board of Aldermen of the Town of Nolensville, Tennessee, hereby certify that these amendments have been submitted by the Planning Commission of the Town of Nolensville, and a notice of hearing thereof has been ordered has been ordered of the time and place of said meeting has been published in a newspaper circulated in the Town of Nolensville, Tennessee. This Ordinance shall take effect immediately from the date of its final passage, the public welfare demanding it.

Charles F. Knapper, Mayor

Attest: _____
Town Recorder

Approved by: _____
Town Attorney

Passed 1st Reading: _____

Passed 2nd Reading: _____

Public Hearing: _____

